

If the Senator's amendment better defined appropriate communications by Federal agencies from publicity or propaganda, I would join with the Senator in support. The Senator's amendment, however, does not add any clarity to the murky waters of advocacy and does not make the line between education and advocacy any brighter, and in fact may have some untoward consequences that I feel are sufficient to kill the amendment.

The uniform practice of the Federal Government is and has been to provide full disclosure that video news releases or other matters are prepared or funded by a Federal agency. The sponsoring Government agency identifies itself at the beginning of a video news release.

Just as newspaper reporters and editors parse through their press releases issued by Federal agencies, television news rooms make editorial and content decisions about how to use video news releases. It is, in fact, an editorial decision of the broadcast station to air or not to air the agency identification.

The Senator's amendment, however, would begin the practice of allowing the Federal Government to make editorial decisions and dictating broadcast content of news reports.

Alternatively, it would require that any use of material supplied by the Federal Government must be disclosed in a manner that I believe would have a chilling impact on the freedom of speech and on the freedom of press. Such mandate on the broadcast media may in fact be unconstitutional.

If this amendment were adopted, it may have the unintended consequence of reducing the use of this important tool, thereby undermining the ability of the Federal Government to meet its obligation to inform the public of important information.

I believe the impact would be felt in rural areas, especially as broadcasters in small and medium markets rely on video news releases more than their big-city colleagues.

If we go back and look at the history, we see that video news releases have been used by Government agencies since the beginning of video. The USDA produced some of the first footage of the Wright brothers' early flight tests in the early 1919s, as well as the highly acclaimed Dust Bowl documentary, "The Plow That Broke the Plains," 1935.

In the 1980s, to respond to a changing broadcast environment, USDA established a weekly satellite feed of material for news and farm broadcasters. This included ready-to-air feature stories, sometimes called video news releases. The information includes where there are signups for commodity or disaster programs; promoting producer participation in county committee elections; new farming practices or technologies; or important crop reports and surveys.

From the Department of Health and Human Services, there has been a long list of video news releases such as the

Surgeon General's Osteoporosis and Bone Health Report; educating the public health officials on how to recognize anthrax; CDC in post 9/11, educating the public on CDC's capabilities; healthy baby news releases, which I have been very interested in. The Health Resource Services Administration put out a video news release educating parents and parents-to-be on the health care of their newborns.

There have been efforts to educate women of childbearing age about the absolute necessity of including 400 micrograms of the appropriate vitamins in their diets to prevent tooth defects.

The CDC has educated public and health communities about the proper use of antibiotics and the potential problems of overuse of antibiotics.

The IRS has produced VNRs on two topics: how to file electronically, and the earned income tax credit. The goal was to generate coverage of the e-filing to help Americans understand qualifications for claiming the EITC.

These news releases were produced by an advertising agency, and pitched in the media outlets by our IRS media specialists who provided full disclosure to the media outlets if they were from the IRS.

This amendment goes further, however, and says the entity using this information must include a clear notice that it was prepared or funded by a Federal agency. That is a requirement on not only broadcasters but on newspapers, which I think steps over the line.

As the distinguished Senator from West Virginia pointed out, the FCC yesterday unanimously clarified the rules applying to broadcasters, saying they must disclose to the viewer the origin of video news releases, though the agency does not specify what form that disclosure must take.

Commissioner Adelstein, a Democrat, said:

We have a responsibility to tell broadcasters that they have to let people know where the material is coming from. Viewers would think it was a real news story when it might be from government or a big corporation trying to influence how they think. This would be put them in a better position to decide for themselves what to make of it.

The FCC has already acted in this area.

I am very much concerned that the amendment proposed by the distinguished Senator from West Virginia would go even further in attempting to dictate by congressional action what should be reported, not only in video or electronic news stories but in print media stories as well. That is objectionable. That would cause many problems for media of all types.

I urge my colleagues to oppose this amendment.

I yield the floor.

THE PRESIDING OFFICER. The Senator from North Dakota.

MR. DORGAN. I rise in support of the Byrd amendment. This amendment is

important. It is offered at an important time, and it is offered during a period when we have seen so many examples of fake news, or propaganda, to use another word.

I don't think this is partisan. I think it would apply to a Republican or Democratic administration.

The question is, Should the Federal Government be involved in propaganda? Should we be observant of fake news and do nothing about it?

The Senator from West Virginia offers an amendment that is filled with common sense. Let me describe a fake news program. A report narrated by a woman who speaks in glowing terms about an administration's plan and concludes by saying: "In Washington, this is Karen Ryan reporting."

The Department of Health and Human Services spent \$44,000 in taxpayer dollars on this type of propaganda. Is this what we want to pass for news?

I have talked often in the Senate on a subject very important to me, the concentration of broadcasting in this country. Fewer and fewer people owning more and more broadcast properties, controlling what people see, hear, and think by what is presented to them. As more and more companies are bought, they hollow out the newsrooms, get rid of the newsroom staff, and just have a shell left. Then they are interested in filling that shell with cheap media feeds.

If you read the discussion about what has prompted these television stations to run these prepackaged fake news items, they are looking for fillers for a news script because they got rid of their news people. So this, now, passes as news when, in fact, it is fake news.

In my judgment, it ought to be labeled exactly what it is. That is what the Senator is offering with respect to this amendment. This is not an amendment that is in any way radical. It is an amendment that is filled with common sense.

A few minutes ago my colleague who talked about Public Broadcasting or National Public Radio was clever and funny—and good for him—but this has nothing to do with the issue at hand. Winning debates that we are not having is hardly a blue ribbon activity in this Chamber. This debate is not about National Public Radio or anything of the sort. It is about the specific subject that my colleague from West Virginia brings to the Senate.

The subject, incidentally, has more tentacles attached to it. We learned in January a syndicated columnist, Armstrong Williams, had been paid a quarter of a million dollars, actually \$240,000, to promote the No Child Left Behind Program on his television show and to urge other African-American journalists to do the same. That contract was not disclosed to the public. It was taxpayers' dollars offered to a journalist, commentator, television personality, and we only learned about it because USA Today obtained the